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L E N O W I S C O

P L A N N I N G D I S T R I C T C O M M I S S I O N

February 27, 2009

Ms Anne K Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings

MAR 4 - 2009

Part of
Public Record



Re: Norfolk Southern Railway Company Abandonment in Wise County, Virginia, STB
Docket Number AB-290 (Sub Number 300X)

Dear Acting Secretary Quinlan,

FILED **FEE WAIVED**

This request is filed on behalf of the LENOWISCO Planning District Commission (PDC), which is a political subdivision of the Commonwealth of Virginia that plans for regional economic development and infrastructure needs in rural Southwestern Virginia, hereinafter referred to as "proponent." LENOWISCO is planning to only be a short-term land holder of the proposed trail project as the long-term owner will be the Southwest Virginia Recreational Authority (Spearhead Trails Initiative) once that Authority is fully operational and functional.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between railroad milepost CV 277 30 (Big Stone Gap) and CV 279 11 (Appalachia) in Wise County, Virginia

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use along with potentially other public infrastructure needs in the future, and to place the following conditions on the abandonment:

1 An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition includes the rail corridor in question is along a scenic river and will connect two towns which currently have no means of pedestrian access between the two. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local citizen needs. In addition, the corridor provides important wildlife habitat and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to engage in further trail planning and explore funding possibilities for the trail.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these



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structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, LENOWISCO PDC is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Norfolk Southern Railway Company.

The property, known as the Powell River Trail, extends from railroad milepost CV 277.30 (Big Stone Gap) to railroad milepost CV 279.11 (Appalachia), a distance of 1.81 miles in Wise County, Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket Number 290 (Sub-Number 300X). A map depicting the right-of-way is enclosed.

LENOWISCO PDC acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Norfolk Southern Railway Company, by U.S. Mail, postage pre-paid, first class, this day 25th day of February, 2009.

Respectfully submitted,



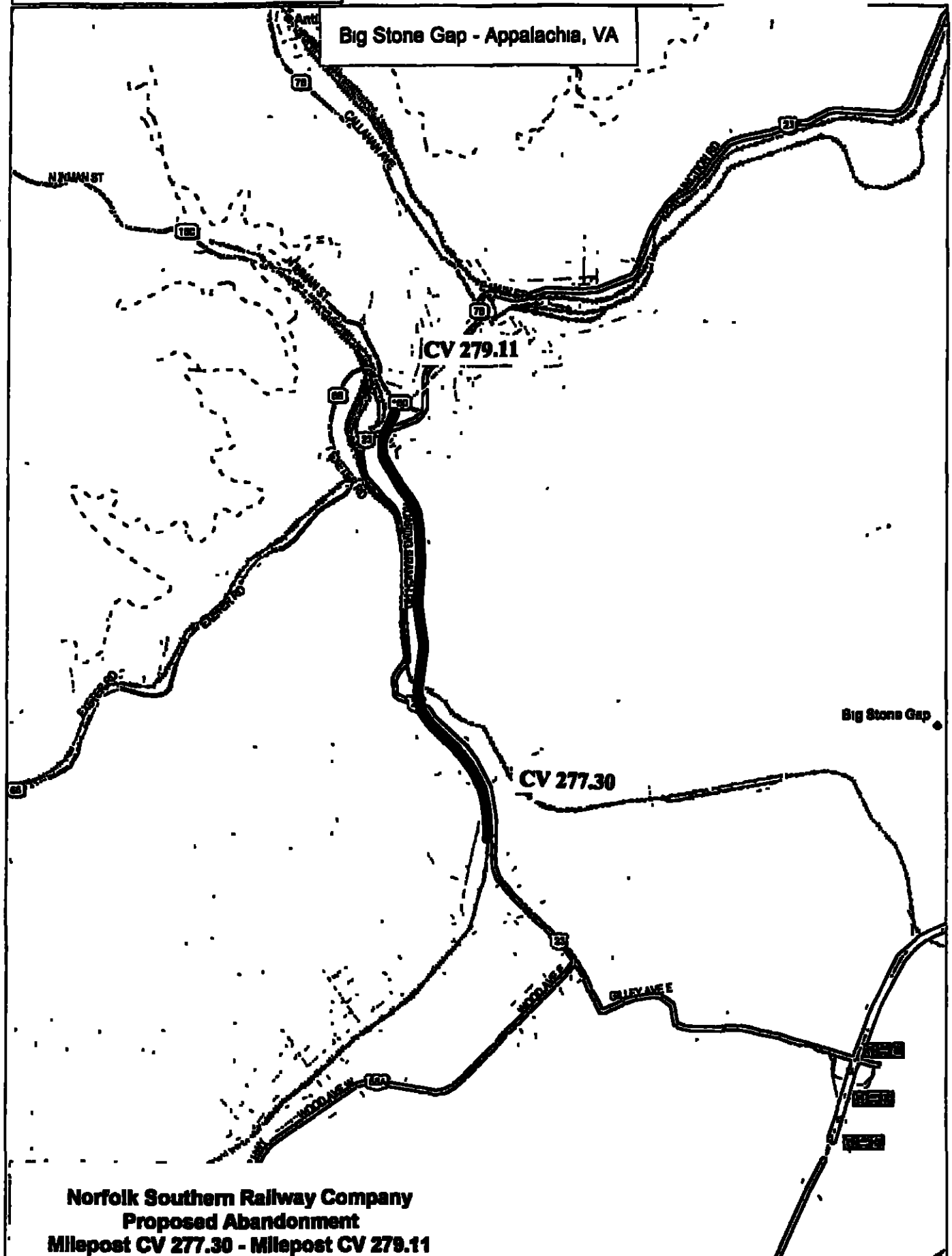
GLEN A. SKINNER
Executive Director

Enclosures

c. John Moon, Norfolk Southern Corporation
James R. Paschall, Norfolk Southern Corporation



Exhibit 1



**Norfolk Southern Railway Company
Proposed Abandonment
Milepost CV 277.30 - Milepost CV 279.11
Wise County, Virginia**

